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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Sergey K. GORDEEV et al.

Serial No. 09/424,760

GROUP 1754

Filed February 3, 2000

Examiner S. Hendrickson

METHOD FOR PRODUCING A
POROUS CARBON ARTICLE AND
AN ARTICLE PRODUCED THEREBY

RECEIVED
MAY -7 2001
TC 1700 MAIL ROOM

RESPONSE TO LACK OF UNITY DETERMINATION

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the preliminary lack of unity determination set forth in the Official Action of April 4, 2001, applicants hereby provisionally elect Group I, claims 1-17, with traverse. However, the lack of unity determination is improper, and must be withdrawn, for the following reasons.

The material according to claim 18 is inevitably formed by the process according to claim 1. The nanopores are formed when heating the carbide in a medium of gaseous halogens, thereby transforming the carbide powder to carbon with nanopores having a slot-like structure. However, the carbon formed by depositing hydrogens will not be affected by the halogens and will form carbon without nanopores in the final product.

Consequently, the material according to claim 18 has the same "special technical features", within the meaning of PCT Rule 13.2, as the material produced by the method of claim 1.

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As the basis for finding a lack of unity set forth in the Official Action is thus incorrect, it follows that the determination is improper and must be withdrawn.

An action on the merits of all of claims 1-23 is therefore respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

By Andrew J. Patch

Andrew J. Patch
Attorney for Applicants
Registration No. 32,925
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

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